

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Limor Schweitzer

Application No.: 09/879,683

Group No.: 3692

Filed: June 11, 2001

Examiner: Milef, Elda G.

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR ALLOWING A  
CARRIER TO ACT AS A CREDIT-APPROVAL ENTITY FOR E-COMMERCE  
TRANSACTIONS

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**TRANSMITTAL OF APPEAL BRIEF**  
**(PATENT APPLICATION--37 C.F.R. § 41.37)**

1. This brief is in furtherance of the Notice of Appeal, filed in this case on 09/26/2007, and in response to the Notice of Panel Decision from Pre-Appeal Brief Review, mailed 02/04/2008.

2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

other than a small entity	\$510.00
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<b>Appeal Brief fee due</b>	<b>\$510.00</b>
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4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee	\$510.00
Extension fee (if any)	\$0.00
<b>TOTAL FEE DUE</b>	<b>\$510.00</b>

6. FEE PAYMENT

Authorization is hereby made to charge the amount of \$510.00 to Deposit Account No. 50-1351 (Order No. AMDCP006).

7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. AMDCP006).

Date: March 4, 2008

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875

/KEVINZILKA/  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	)	
	)	
Limor Schweitzer	)	Group Art Unit: 3692
	)	
Application No. 09/879,683	)	Examiner: Milef, Elda G.
	)	
Filed: 06/11/2001	)	Atty. Docket No. AMDCP006
	)	
For: SYSTEM, METHOD AND	)	Date: 03/04/2008
COMPUTER PROGRAM PRODUCT FOR	)	
ALLOWING A CARRIER TO ACT AS A	)	
CREDIT-APPROVAL ENTITY FOR	)	
E-COMMERCE TRANSACTIONS	)	
	)	

Commissioner for Patents  
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**ATTENTION: Board of Patent Appeals and Interferences**

**APPEAL BRIEF (37 C.F.R. § 41.37)**

This brief is in furtherance of the Notice of Appeal, filed in this case on 09/26/2007, and in response to the Notice of Panel Decision from Pre-Appeal Brief Review, mailed 02/04/2008.

The fees required under § 1.17, and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 41.37(c)(i)):

- I REAL PARTY IN INTEREST
- II RELATED APPEALS AND INTERFERENCES
- III STATUS OF CLAIMS
- IV STATUS OF AMENDMENTS
- V SUMMARY OF CLAIMED SUBJECT MATTER

- VI     GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
- VII    ARGUMENT
- VIII   CLAIMS APPENDIX
- IX     EVIDENCE APPENDIX
- X      RELATED PROCEEDING APPENDIX

The final page of this brief bears the practitioner's signature.

**I REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i))**

The real party in interest in this appeal is Amdocs (Israel) Ltd.

## **II RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c) (1)(ii))**

With respect to other prior or pending appeals, interferences, or related judicial proceedings that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, appeal briefs were noted on 11/09/2007 and 02/26/2007 for U.S. Patent Application No. 09/879,682.

A Related Proceedings Appendix is appended hereto.

### **III STATUS OF CLAIMS (37 C.F.R. § 41.37(c) (1)(iii))**

#### **A. TOTAL NUMBER OF CLAIMS IN APPLICATION**

Claims in the application are: 1, 3, 8-13, 15, 20-28 and 30

#### **B. STATUS OF ALL THE CLAIMS IN APPLICATION**

1. Claims withdrawn from consideration: None
2. Claims pending: 1, 3, 8-13, 15, 20-28 and 30
3. Claims allowed: None
4. Claims rejected: 1, 3, 8-13, 15, 20-28, and 30
5. Claims cancelled: 2, 4-7, 14, 16-19, and 29

#### **C. CLAIMS ON APPEAL**

The claims on appeal are: 1, 3, 8-13, 15, 20-28 and 30

See additional status information in the Appendix of Claims.

**IV STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv))**

As to the status of any amendment filed subsequent to final rejection, an Amendment submitted on 07/05/2006 was not entered by the Examiner.



## **V SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v))**

With respect to a summary of Claim 1, as shown in Figures 1 and 2, a method for paying for a transaction over the Internet is provided. In use, information is received utilizing a network, where the information includes an Internet Protocol (IP) address of a user (e.g. see item 200 of Figure 2, etc.) and an amount of payment due (e.g. see operation 102 of Figure 1, etc.). Further, an account is identified using at least a portion of the IP address (e.g. see operation 104 of Figure 1, etc.). Further still, payment is administered for the payment due by billing against the account (e.g. see operation 106 of Figure 1, etc.). Also, user data is identified based on the received information, and the user data is sent to a site (e.g. see item 202 of Figure 2, etc.). In addition, the user data includes shipping information. Furthermore, the site sends the information in response to the user carrying out a transaction using the site. Further still, a uniform resource locator (URL) link is provided to the user from the site, where the URL allows the user to give permission for the payment to be administered. Also, in response to the user giving the permission, the site is provided with a confirmation number and the shipping information of the user (e.g. see operation 222 of Figure 2, etc.) and the user is provided with the confirmation number. Additionally, the receiving, the identifying, and the administering are carried out by a network service provider (e.g. see item 204 of Figure 2, etc.). See, for example, page 4, lines 4-11, 14-15, and 19-22; and page 10, lines 4-7, 10-11, and 19-23 et al.

With respect to a summary of Claim 13, as shown in Figures 1 and 2, a computer program product for paying for a transaction over the Internet is provided. The computer program product comprises computer code for receiving information utilizing a network, where the information includes an Internet Protocol (IP) address of a user (e.g. see item 200 of Figure 2, etc.) and an amount of payment due (e.g. see operation 102 of Figure 1, etc.). Further, the computer program product comprises computer code for identifying an account using at least a portion of the IP address (e.g. see operation 104 of Figure 1, etc.). Further still, the computer program product comprises computer code for administering payment for the payment due by billing against the account (e.g. see operation 106 of Figure 1, etc.). Also, the computer program product comprises computer code for identifying user data based on the received information, and sending the user data to a site (e.g. see item 202 of Figure 2, etc.). In addition, the user data

includes shipping information. Furthermore, the site sends the information in response to the user carrying out a transaction using the site. Further still, a uniform resource locator (URL) link is provided to the user from the site, where the URL allows the user to give permission for the payment to be administered. Also, in response to the user giving the permission, the site is provided with a confirmation number and the shipping information of the user (e.g. see operation 222 of Figure 2, etc.) and the user is provided with the confirmation number. Additionally, the computer code is executed by a network service provider (e.g. see item 204 of Figure 2, etc.). See, for example, page 4, lines 4-11, 14-15, and 19-22; and page 10, lines 4-7, 10-11, and 19-23 et al.

With respect to a summary of Claim 25, as shown in Figures 1 and 2, a system for paying for a transaction over the Internet is provided. The system comprises logic for receiving information utilizing a network, where the information includes an Internet Protocol (IP) address of a user (e.g. see item 200 of Figure 2, etc.) and an amount of payment due (e.g. see operation 102 of Figure 1, etc.). Further, the system comprises logic for identifying an account using at least a portion of the IP address (e.g. see operation 104 of Figure 1, etc.). Further still, the system comprises logic for administering payment for the payment due by billing against the account (e.g. see operation 106 of Figure 1, etc.). Also, the system comprises logic for identifying user data based on the received information, and sending the user data to a site (e.g. see item 202 of Figure 2, etc.). In addition, the user data includes shipping information. Furthermore, the site sends the information in response to the user carrying out a transaction using the site. Further still, a uniform resource locator (URL) link is provided to the user from the site, where the URL allows the user to give permission for the payment to be administered. Also, in response to the user giving the permission, the site is provided with a confirmation number and the shipping information of the user (e.g. see operation 222 of Figure 2, etc.) and the user is provided with the confirmation number. Additionally, the logic is implemented by a network service provider (e.g. see item 204 of Figure 2, etc.). See, for example, page 4, lines 4-11, 14-15, and 19-22; and page 10, lines 4-7, 10-11, and 19-23 et al.

With respect to a summary of Claim 26, as shown in Figures 1 and 2, a method for paying for a transaction over the Internet is provided. In use, in (a) a link is provided to a site on a network where a business transaction is occurring (e.g. see item 216 of Figure 2, etc.). Additionally, in

(b) information is received from the site at a third party location during the transaction. Further, the information includes an Internet Protocol (IP) address of a user (e.g. see item 200 of Figure 2, etc.) and an amount of payment due. Further still, in (c) an account is identified using at least a portion of the IP address (e.g. see operation 104 of Figure 1, etc.). Also, in (d) it is identified whether any rules are associated with the account. In addition, in (e) payment is conditionally administered for the payment due by billing against the account (e.g. see operation 106 of Figure 1, etc.) in accordance with any identified rules. Furthermore, in (f) shipping information is identified based on the received information. Further still, in (g) the shipping information is sent to the site. Also, in (h) compensation is received from the site. Additionally, a uniform resource locator (URL) link is provided to the user from the site, where the URL allows the user to give permission for the payment to be administered. Further, in response to the user giving the permission, the site is provided with a confirmation number and the shipping information (e.g. see operation 222 of Figure 2, etc.) and the user is provided with the confirmation number. Further still, (a)-(h) are carried out by a network service provider (e.g. see item 204 of Figure 2, etc.). See, for example, page 4, lines 7-11; page 8, lines 14-15; and page 10, lines 4-7, 10-11, and 19-23 et al.

Of course, the above citations are merely examples of the above claim language and should not be construed as limiting in any manner.

**VI GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. § 41.37(c)(1)(vi))**

Following, under each issue listed, is a concise statement setting forth the corresponding ground of rejection.

Issue # 1: The Examiner has rejected Claims 1, 3, 8-12, 27, 28, and 30 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention.

Issue # 2: The Examiner has rejected Claims 1, 8-11, 13, 20-23, 25-28, and 30 under 35 U.S.C. 103(a) as being unpatentable over Ronen (U.S. Patent No. 5,905,736), in view of Egendorf (U.S. Patent No. 5,794,221), and in further view of Foster (U.S. Patent No. 6,332,134).

Issue # 3: The Examiner has rejected Claims 12 and 24 under 35 U.S.C. 103(a) as being unpatentable over Ronen (U.S. Patent No. 5,905,736), in view of Egendorf (U.S. Patent No. 5,794,221), in further view of Foster (U.S. Patent No. 6,332,134), and in further view of Wilf et al. (U.S. Patent No. 5,899,980).

Issue # 4: The Examiner has rejected Claims 3 and 15 under 35 U.S.C. 103(a) as being unpatentable over Ronen (U.S. Patent No. 5,905,736), in view of Egendorf (U.S. Patent No. 5,794,221), in further view of Foster (U.S. Patent No. 6,332,134), and in further view of Stewart (*Connecting with confidence (Web Techniques)* by John Stewart).

## **VII ARGUMENT (37 C.F.R. § 41.37(c)(1)(vii))**

The claims of the groups noted below do not stand or fall together. In the present section, appellant explains why the claims of each group are believed to be separately patentable.

### **Issue # 1:**

The Examiner has rejected Claims 1, 3, 8-12, 27, 28, and 30 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention.

#### *Group #1: Claims 1, 3, 8-12, 27, 28, and 30*

With respect to Claim 1, the Examiner has stated that there is insufficient antecedent basis for the limitation “the information” in line 9. Appellant respectfully disagrees and asserts that, clearly, “the information” refers to the limitation of “receiving information utilizing a network, wherein the information includes...” (emphasis added), as claimed by appellant.

Furthermore, also with respect to Claim 1, the Examiner has argued that the meaning of the limitation “wherein the site sends the information” is unclear and has questioned “[w]here...the information [is] being sent.” Appellant respectfully disagrees and asserts that Claim 1 is not limited to a specific location to which the information is sent.

### **Issue # 2:**

The Examiner has rejected Claims 1, 8-11, 13, 20-23, 25-28, and 30 under 35 U.S.C. 103(a) as being unpatentable over Ronen (U.S. Patent No. 5,905,736), in view of Egendorf (U.S. Patent No. 5,794,221), and in further view of Foster (U.S. Patent No. 6,332,134).

#### *Group #1: Claims 1, 8-11, 13, 20-23, 25, 27, and 28*

With respect to independent Claims 1, 13, and 25, the Examiner has relied on Col. 5, lines 52-67 and Cols. 2, 5, and 6 from the Ronen reference, in addition to Col. 4, lines 1-6 from the Egendorf reference to make a prior art showing of appellant's claimed technique "wherein user data is identified based on the received information, and the user data is sent to a site, wherein the user data includes shipping information" (see this or similar, but not necessarily identical language in the aforementioned independent claims).

Appellant respectfully asserts that the excerpts from Ronen relied upon by the Examiner merely teach that "[b]efore completing the transaction, therefore, the accessed ISP, such as ISP 106, communicates with the transaction server 109 to determine whether that IP address has an established billing entry to which charges for the transaction can be forwarded and recorded," and that "[i]f such an entry exists on database 110 and a billing mechanism is in place, ISP 106 is signaled over the secured link, to authorize the transaction" (Ronen, Col. 5, lines 52-66 - emphasis added). Furthermore, the excerpt from Egendorf relied on by the Examiner simply teaches that "the vendor may verify with the provider that the address supplied by the customer for shipment of the goods has been authorized by the customer" (Egendorf, Col. 4, lines 1-3 - emphasis added).

Clearly, the excerpts from Ronen relied on by the Examiner merely disclose "determin[ing] whether [an] IP address has an established billing entry," which does not even suggest any sort of "shipping information," as appellant claims. Further, the excerpt from Egendorf relied on by the Examiner only discloses that "the address [is] supplied by the customer for shipment," which does not suggest, and even *teaches* away from appellant's claimed technique "wherein user data is identified based on the received information...wherein the user data includes shipping information," particularly since such received information "includes an Internet Protocol (IP) address of a user and an amount of payment due" (emphasis added), in the context claimed by appellant.

In addition, although Egendorf discloses that "the vendor may verify with the provider that the address... has been authorized by the customer," Egendorf only discloses that such verification may be performed "in the same manner in which such verification would be made for the same transaction made over the telephone with a credit card." Thus, Egendorf simply does not meet

appellant's specific claim language, namely that "user data is identified based on the received information...wherein the user data includes shipping information" and where such received information "includes an Internet Protocol (IP) address of a user and an amount of payment due" (emphasis added), in the context claimed by appellant.

Appellant further notes that the Examiner has argued that "Ronen discloses the purchasing of goods that will later be delivered by conventional transport means," such that "[i]t is obvious that in order for goods ordered online to be shipped to a consumer, the consumer must provide shipping information." Appellant again emphasizes that merely suggesting that Ronen teaches that a "consumer must provide shipping information," as alleged by the Examiner, fails to rise to the level of specificity of appellant's claim language, and even *teaches away* from such claim language. Appellant emphasizes that only appellant teaches and claims a technique where "user data [that includes shipping information] is identified based on received information," where such received information "includes an Internet Protocol (IP) address of a user and an amount of payment due" (emphasis added), in the context claimed by appellant.

Based on the Examiner's above noted argument, it appears that the Examiner has relied on an inherency argument regarding the above emphasized claim limitations. In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements is respectfully requested (See MPEP 2112).

Further, in response, appellant asserts that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Additionally, with respect to independent Claims 1, 13, and 25, the Examiner has relied on Col. 8, lines 42-63 and Cols. 7-8 from Foster to make a prior art showing of appellant's claimed technique where "the site is provided with a confirmation number and the shipping information of the user and the user is provided with the confirmation number" (see this or similar, but not necessarily identical language in the aforementioned independent claims).

Appellant respectfully asserts that the excerpts from Foster relied upon by the Examiner merely teach that "[t]he message to the cardholder, shown at path 216 may be an order confirmation number or other indication that the order is to be placed," and that "[t]he message to the merchant includes a unique order number and a pre-registered shipping address or an authorized alternate shipping address, as shown at path 218" (Col. 8, lines 45-50 - emphasis added). However, disclosing an order confirmation number sent to the cardholder and a unique order number sent to the merchant, as in Foster, fails specifically meet appellant's claimed technique where "the site is provided with a confirmation number ... and the user is provided with the confirmation number" (emphasis added), as claimed by appellant.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

*Group #2: Claim 26*



With respect to independent Claim 26, the Examiner has relied on Col. 8, lines 42-63 and Cols. 7-8 from Foster to make a prior art showing of appellant's claimed technique where "the site is provided with a confirmation number and the shipping information and the user is provided with the confirmation number."

Appellant respectfully asserts that the excerpts from Foster relied upon by the Examiner merely teach that "[t]he message to the cardholder, shown at path 216 may be an order confirmation number or other indication that the order is to be placed," and that "[t]he message to the merchant includes a unique order number and a pre-registered shipping address or an authorized alternate shipping address, as shown at path 218" (Col. 8, lines 45-50 - emphasis added). However, disclosing an order confirmation number sent to the cardholder and a unique order number sent to the merchant, as in Foster, fails specifically meet appellant's claimed technique where "the site is provided with a confirmation number ... and the user is provided with the confirmation number" (emphasis added), as claimed by appellant.

Additionally, with respect to independent Claim 26, the Examiner has relied on Cols. 1 and 2 from Ronen to make a prior art showing of appellant's claimed "providing a link to a site on a network where a business transaction is occurring."

Appellant respectfully asserts that the excerpt from Ronen relied on by the Examiner only generally discloses "transaction[s] conducted over the Internet by users connected through an Internet Access Provider (IAP) to one or more ISPs" (Col. 2, lines 5-8). However, appellant respectfully notes that nowhere in the excerpt relied on by the Examiner is there any specific disclosure of "providing a link to a site on a network where a business transaction is occurring" (emphasis added), as appellant claims.

Also with respect to independent Claim 26, the Examiner has relied on the rejection of Claim 8, and in particular Col. 7, lines 37-40 and item 120-3 in Figure 1 of Ronen, to make a prior art showing of appellant's claimed "conditionally administering payment for the payment due by billing against the account in accordance with any identified rules."

Appellant respectfully asserts that item 120-3 in Figure 1 of Ronen merely shows a bank debit card. Further, Col. 7, lines 37-40 from Ronen simply discloses that the “billing mechanism will include the user’s desired method or methods of billing, and any parameters that define when a particular billing method is to be applied.” Clearly, parameters that define when a particular billing method is to be applied, as in Ronen, fails to meet appellant’s claimed “conditionally administering payment...in accordance with any identified rules” (emphasis added), as claimed. In fact, appellant notes Table 1 in Ronen (shown in Col. 4, lines 50-60), which clearly shows parameters for each billing choice, which does not teach that “payment [is conditionally administered]... in accordance with any identified rules” (emphasis added), as claimed.

Still with respect to independent Claim 26, the Examiner has relied on Col. 4, lines 1-6 in Egendorf to make a prior art showing of appellant’s claimed “identifying shipping information based on the received information.”

Appellant respectfully emphasizes that the excerpt from Egendorf relied on by the Examiner simply discloses that “the vendor may verify with the provider that the address supplied by the customer for shipment of the goods has been authorized by the customer” (Egendorf, Col. 4, lines 1-3 - emphasis added). Clearly, simply verifying an address supplied by a customer, as in Egendorf, fails to specifically teach, and even *teaches away* from, appellant’s claimed “identifying shipping information based on the received information,” especially where such received “information includes an Internet Protocol (IP) address of [the] user and an amount of payment due” (emphasis added), in the context claimed.

In addition, although Egendorf discloses that “the vendor may verify with the provider that the address... has been authorized by the customer,” Egendorf only discloses that such verification may be performed “in the same manner in which such verification would be made for the same transaction made over the telephone with a credit card.” Thus, Egendorf simply does not meet appellant’s specific claim language.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

*Group #3: Claim 30*

With respect to dependent Claim 30, the Examiner has relied on Col. 4 in Ronen, and particularly Ronen's disclosed parameters of billing and billing choice in Table 1 of Col. 4, to make a prior art showing of appellant's claimed technique "wherein the rule identifies at least one category in which goods or services are permitted to be purchased."

Appellant notes that the reference excerpt relied on by the Examiner, which describes Table 1 in Ronen, merely discloses that "the user may specify that certain transactions, depending upon the type of transaction, be billed in a specific manner" (Col. 4, lines 26-28 - emphasis added). Such excerpt further teaches that "the user may want all transactions involving purchases from a specified retailer to be billed to that retailer's own credit card, and other purchases to be billed to a bank credit card," and "[c]harges for transactions of a certain type for less than a predetermined amount may be designated for billing to an identified telephone account associated with the user," while "charges for transactions for greater than some other predetermined amount may be designated for billing to an identified debit account" (Col. 4, lines 28-38).

However, merely disclosing that a user may specify that certain transactions be billed in a certain manner, as in Ronen, fails to teach a technique "wherein the rule identifies at least one category in which goods or services are permitted to be purchased" (emphasis added), as claimed by appellant.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Issue # 3:

The Examiner has rejected Claims 12 and 24 under 35 U.S.C. 103(a) as being unpatentable over Ronen (U.S. Patent No. 5,905,736), in view of Egendorf (U.S. Patent No. 5,794,221), in further

view of Foster (U.S. Patent No. 6,332,134), and in further view of Wilf et al. (U.S. Patent No. 5,899,980).

*Group #1: Claim 12*

With respect to dependent Claim 12, the Examiner has relied on Col. 7, lines 26-33 in Wilf to make a prior art showing of appellant's claimed technique "wherein the receiving, the identifying, and the administering are carried out by a financial institution offering credit with credit cards in conjunction with the network service provider."

Appellant notes that the reference excerpt relied on by the Examiner merely discloses that "[t]he [secure transaction service provider], the customers, the vendors and the ISPs receive financial services from one or more financial service providers such as a credit card company or a bank or any other suitable financial service company" and that "[t]he [secure transaction service provider], the customers, the vendors and the ISPs have bank accounts or credit card accounts with the financial service providers and can provide a bank account number or a credit card number for performing financial transactions" (Col. 7, lines 26-33 – emphasis added).

However, merely disclosing that a secure transaction service provider may receive financial services from a credit card company, in addition to disclosing that the secure transaction service provider can provide a bank account number or a credit card number for performing financial transactions, does not teach a technique "wherein the receiving... [and] the identifying... are carried out by a financial institution offering credit with credit cards in conjunction with the network service provider," especially where receiving includes "receiving information... wherein the information includes an Internet Protocol (IP) address of a user and an amount of payment due" and the identifying includes "identifying an account using at least a portion of the IP address" (emphasis added), in the context claimed by appellant (see independent Claim 1 for context).

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

*Group #2: Claim 24*

With respect to dependent Claim 24, the Examiner has relied on Col. 7, lines 26-33 in Wilf to make a prior art showing of appellant's claimed technique "wherein the computer code is executed by a financial institution offering credit with credit cards in conjunction with the network service provider."

Appellant notes that the reference excerpt relied on by the Examiner merely discloses that "[t]he [secure transaction service provider], the customers, the vendors and the ISPs receive financial services from one or more financial service providers such as a credit card company or a bank or any other suitable financial service company" and that "[t]he [secure transaction service provider], the customers, the vendors and the ISPs have bank accounts or credit card accounts with the financial service providers and can provide a bank account number or a credit card number for performing financial transactions" (Col. 7, lines 26-33 – emphasis added).

However, merely disclosing that a secure transaction service provider may receive financial services from a credit card company, in addition to disclosing that the secure transaction service provider can provide a bank account number or a credit card number for performing financial transactions, does not teach a technique "wherein the computer code is executed by a financial institution offering credit with credit cards in conjunction with the network service provider," where the computer code includes "computer code for receiving information utilizing a network... computer code for identifying an account using at least a portion of the IP address... [and] computer code for identifying user data based on the received information, and sending the user data to a site" (see Claim 13 - emphasis added), in the context claimed by appellant.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

#### Issue # 4:

The Examiner has rejected Claims 3 and 15 under 35 U.S.C. 103(a) as being unpatentable over Ronen (U.S. Patent No. 5,905,736), in view of Egendorf (U.S. Patent No. 5,794,221), in further

view of Foster (U.S. Patent No. 6,332,134), and in further view of *Connecting with confidence (Web Techniques)* by John Stewart.

*Group #1: Claims 3 and 15*

With respect to dependent Claim 3 et al., the Examiner has relied on Page 3, paragraph 2 in Stewart to make a prior art showing of appellant's claimed technique "wherein the information further includes port numbers." More specifically, the Examiner has argued that "[i]t is well-known in the art as evidenced by Stewart, that port numbers are a way to identify a specific process to which an internet message is to be forwarded when it arrives at a server."

Appellant respectfully disagrees and notes that the excerpt relied on by the Examiner merely teaches that "[a]ccess control lists... [c]ontrol which machines (using IP addresses) can talk to one another on what services [(]using network port numbers)" and that "[t]he data being sent back and forth over each channel is not inspected-all that is scrutinized is whether it's using a network port that is explicitly permitted" (Page 3, second full paragraph – emphasis added).

However, merely disclosing determining whether a permitted network port is being used, and that access control lists control what services machines can talk to each other on, does not teach a technique "wherein the information further includes port numbers" (emphasis added), particularly where "the site sends the information in response to the user carrying out a transaction," in the context claimed by appellant (see independent Claims 1 and 13 for context).

Thus, in response to the Examiner's apparent reliance on Official Notice in stating that "[i]t is well-known in the art as evidenced by Stewart, that port numbers are a way to identify a specific process to which an internet message is to be forwarded when it arrives at a server," appellant points out the remarks above that clearly show the manner in which some of such claims further distinguish Stewart. Appellant thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

"If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position." See MPEP 2144.03.

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

**VIII CLAIMS APPENDIX (37 C.F.R. § 41.37(c)(1)(viii))**

The text of the claims involved in the appeal (along with associated status information) is set forth below:

1. (Previously Presented) A method for paying for a transaction over the Internet, comprising:
  - receiving information utilizing a network, wherein the information includes an Internet Protocol (IP) address of a user and an amount of payment due;
  - identifying an account using at least a portion of the IP address; and
  - administering payment for the payment due by billing against the account;
  - wherein user data is identified based on the received information, and the user data is sent to a site, wherein the user data includes shipping information;
  - wherein the site sends the information in response to the user carrying out a transaction using the site;
  - wherein a uniform resource locator (URL) link is provided to the user from the site, where the URL allows the user to give permission for the payment to be administered, and, in response to the user giving the permission, the site is provided with a confirmation number and the shipping information of the user and the user is provided with the confirmation number;
  - wherein the receiving, the identifying, and the administering are carried out by a network service provider.
2. (Cancelled)
3. (Original) The method as recited in claim 1, wherein the information further includes port numbers.
4. (Cancelled)
5. (Cancelled)
6. (Cancelled)



7. (Cancelled)
8. (Previously Presented) The method as recited in claim 1, and further comprising limiting the administration of payment based on a rule.
9. (Previously Presented) The method as recited in claim 1, and further comprising collecting a fee from the site.
10. (Original) The method as recited in claim 9, wherein the fee is a percentage of the payment due.
11. (Original) The method as recited in claim 1, wherein the account is a debit account.
12. (Previously Presented) The method as recited in claim 1, wherein the receiving, the identifying, and the administering are carried out by a financial institution offering credit with credit cards in conjunction with the network service provider.
13. (Previously Presented) A computer program product for paying for a transaction over the Internet, comprising:
  - computer code for receiving information utilizing a network, wherein the information includes an Internet Protocol (IP) address of a user and an amount of payment due;
  - computer code for identifying an account using at least a portion of the IP address;
  - computer code for administering payment for the payment due by billing against the account; and
  - computer code for identifying user data based on the received information, and sending the user data to a site, wherein the user data includes shipping information;
  - wherein the site sends the information in response to the user carrying out a transaction using the site;
  - wherein a uniform resource locator (URL) link is provided to the user from the site, where the URL allows the user to give permission for the payment to be administered, and, in

response to the user giving the permission, the site is provided with a confirmation number and the shipping information of the user and the user is provided with the confirmation number;  
wherein the computer code is executed by a network service provider.

14. (Cancelled)

15. (Original) The computer program product as recited in claim 13, wherein the information further includes port numbers.

16. (Cancelled)

17. (Cancelled)

18. (Cancelled)

19. (Cancelled)

20. (Original) The computer program product as recited in claim 13, and further comprising computer code for limiting the administration of payment based on a rule.

21. (Previously Presented) The computer program product as recited in claim 13, and further comprising computer code for collecting a fee from the site.

22. (Original) The computer program product as recited in claim 21, wherein the fee is a percentage of the payment due.

23. (Original) The computer program product as recited in claim 13, wherein the account is a debit account.

24. (Previously Presented) The computer program product as recited in claim 13, wherein the computer code is executed by a financial institution offering credit with credit cards in conjunction with the network service provider.

25. (Previously Presented) A system for paying for a transaction over the Internet, comprising:

- logic for receiving information utilizing a network, wherein the information includes an Internet Protocol (IP) address of a user and an amount of payment due;

- logic for identifying an account using at least a portion of the IP address;

- logic for administering payment for the payment due by billing against the account; and

- logic for identifying user data based on the received information, and sending the user data to a site, wherein the user data includes shipping information;

- wherein the site sends the information in response to the user carrying out a transaction using the site;

- wherein a uniform resource locator (URL) link is provided to the user from the site, where the URL allows the user to give permission for the payment to be administered, and, in response to the user giving the permission, the site is provided with a confirmation number and the shipping information of the user and the user is provided with the confirmation number;

- wherein the logic is implemented by a network service provider.

26. (Previously Presented) A method for paying for a transaction over the Internet, comprising:

- (a) providing a link to a site on a network where a business transaction is occurring;

- (b) receiving information from the site at a third party location during the transaction, wherein the information includes an Internet Protocol (IP) address of a user and an amount of payment due;

- (c) identifying an account using at least a portion of the IP address;

- (d) identifying whether any rules are associated with the account;

- (e) conditionally administering payment for the payment due by billing against the account in accordance with any identified rules;

- (f) identifying shipping information based on the received information;

- (g) sending the shipping information to the site; and

- (h) receiving compensation from the site;

- wherein a uniform resource locator (URL) link is provided to the user from the site, where the URL allows the user to give permission for the payment to be administered, and, in

response to the user giving the permission, the site is provided with a confirmation number and the shipping information and the user is provided with the confirmation number;

wherein (a)-(h) are carried out by a network service provider.

27. (Previously Presented) The method as recited in claim 1, wherein the information is received from a combination of the user and the site, where the information is received from the site in response to the user carrying out the transaction using the site.

28. (Previously Presented) The method as recited in claim 1, wherein the account is identified utilizing a database which links the information with a corresponding account.

29. (Cancelled)

30. (Previously Presented) The method as recited in claim 8, wherein the rule identifies at least one category in which goods or services are permitted to be purchased.

**IX EVIDENCE APPENDIX (37 C.F.R. § 41.37(c)(1)(ix))**

There is no such evidence.

**X RELATED PROCEEDING APPENDIX (37 C.F.R. § 41.37(c)(1)(x))**

Since no decision(s) has been rendered in such proceeding(s), no material is included in this Related Proceedings Appendix.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. AMDCP006).

Respectfully submitted,

By: /KEVINZILKA/  
Kevin J. Zilka  
Reg. No. 41,429

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Zilka-Kotab, P.C.  
P.O. Box 721120  
San Jose, California 95172-1120  
Telephone: (408) 971-2573  
Facsimile: (408) 971-4660